

REMARKS

Allowed Claims

Claims 3-5 were said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 has now been rewritten in independent form to include the limitations of claims 1 and 2. Claims 4 and 5 are dependent ultimately upon claim 3 and are allowable therewith.

Elections/Restriction Requirement

Claims 6-8 and 13-16 are shown as withdrawn as being drawn to a non-elected species. Inasmuch as claim 1 would appear to be allowable, reinstatement of the withdrawn claims is now requested.

On the Merits

Claims 1 and 9-12 were rejected under § 102(b) on the basis of Timp et al. Claim 1 and claims 9-12 each require a latch that is at the periphery of the device. The Timp et al. reference (referred to in the paragraph bridging pages 3 and 4 of the specification) utilizes a button that is positioned in the center of the device. Timp, hence, does not show the structure of claims 1 and 9-12, and the rejection based on § 102(b) must be withdrawn.

We would add that claim 1 requires a latch that has a sufficiently low mass and a spring that has a sufficiently great spring constant as to prevent the latch from unintentional movement into an unlocked position in response to striking of the punch driver element by a punch press ram during a punching operation. This is not shown in Timp.

Claims 1, 2 and 9-12 were rejected under § 102(b) on the basis of Johnson et al. With respect to claims 1 and 2, Johnson does not teach that a latch must have a sufficiently low mass and a spring must have a sufficiently great spring constant as to

prevent the latch from unintentional movement into its unlocked position in response to striking of the punch driver by a punch press ram during a punching operation, as required by claims 1 and 2. It appears also that Johnson does not teach a punch driver element that has axially extending cavities that receive the latch when the later is in its upper position. The § 102(b) rejection should be withdrawn with respect to claims 1 and 2.

With reference to Johnson, Item #40 is not understood to be a punch driver, as asserted in the office action. It is, rather, the bottom part of a separable two piece housing 34. Please see the explanation in Johnson et al. at column 6, lines 1 – 42, and also Figures 3 and 5.

Claim 9 and claims 10-12 which ultimately depend from claim 9 are not anticipated by the Johnson et al. reference. Claim 9 requires the latch member to latch the punch element to the punch driver. As noted in the preceding paragraph, Johnson et al. is not understood to show this feature. Claim 11 calls for the punch driver to have a locking portion disposed about its periphery, and we fail to see this in Johnson et al. either. Claim 12 requires the punch driver to have a substantially cylindrical locking disk, and this, as well, appears to be absent from Johnson et al.

Antecedent Basis for Amendments

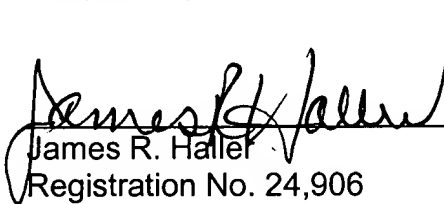
Claim 3, of course, is now a compilation of claims 1, 2 and 3. The amendments to claim 9 find antecedent basis in the specification beginning on page 13, line 9 and extending through page 15, line 11, and, of course, in the drawing, particularly Figures 5-9.

Reconsideration and withdrawal of the rejections based on Timp et al. and Johnson et al. are courteously requested. Allowance of claims 1-16 is courteously requested. If, in the Examiner's opinion, a telephone conversation with the undersigned might help to move the application forward, a call to the undersigned would be

appreciated. Enclosed herewith is a check in the amount of \$42.00 for payment of the one (1) independent claim in excess of three. The Commissioner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 06-1910.

Respectfully submitted,

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